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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,332	04/04/2001	Keiichi Taniguchi	Q63917	1802

7590

02/09/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/825,332	Applicant(s) TANIGUCHI, KEIICHI	
	Examiner Sharad Rampuria	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

Claims 1-11 are cancelled.

Applicant's arguments with respect to the new claims 12-13 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinz [US 6298231] (hereinafter Heinz) in view of Frohman et al. [US 5418835] (hereinafter Frohman).

As per claim 12, Heinz teaches:

A method for controlling a phone system enabling a user of a portable cellular phone to make use of a stored-type voice message service, (Abstract) comprising:

storing, (16; fig.1; 101; fig.4; col.7; 35-41) when a connection with a portable phone is unable to be made, a voice message to be fed to the portable phone; (Col.2; 55-Col.3; 6)

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when a connection between the switching center (14; fig. 1) and the portable phone (30; fig. 1) is able to be made, transmitting from the switching center to the portable phone, a location registration acknowledgement signal, causing the portable phone and the switching center to confirm that the portable phone is located within a service area; (i.e. registration; Col.6; 8-14) when the switching center has confirmed that the portable phone is located within a service area, providing to the portable phone a notification that the voice message has been stored. (i.e. stored; Col.6; 14-18)

Heinz fails to teach continuously transmitting, at a specified time interval, a signal requesting registration from the portable phone to a switching center. However, Frohman teaches in an analogous art, that continuously transmitting, at a specified time interval, a signal requesting registration from the portable phone to a switching center, (i.e. transmitted...every...minutes; Col.4; 43-67) when a connection between the switching center is unable to be made until a connection between the switching center and the portable phone is able to be made (Col.4; 43-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include continuously transmitting, at a specified time interval, a signal requesting registration from the portable phone to a switching center in order to provide a method of delivering messages using voice mail system.

As per claim 13, Heinz teaches:

A method for controlling a phone system enabling a user of a portable cellular phone to make use of a stored-type voice message service, (Abstract) comprising:

storing, (16; fig. 1; 101; fig. 4; col. 7; 35-41) when a connection with a portable phone is unable to be made, a voice message to be fed to the portable phone; (Col. 2; 55-Col. 3; 6)

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Heinz fails to teach continuously transmitting, at a specified time interval, a notification that the voice message has been stored to the portable phone. However, Frohman teaches in an analogous art, that continuously transmitting, at a specified time interval, a notification that the voice message has been stored to the portable phone, (i.e. transmitted...every...minutes; Col.4; 43-67) when a connection with the portable phone is unable to be made until the notification that the voice message has been stored is successfully received by the portable phone when a connection with the portable phone is able to be made (Col.4; 43-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include continuously transmitting, at a specified time interval, a notification that the voice message has been stored to the portable phone in order to provide a method of delivering messages using voice mail system.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736.

The examiner can normally be reached on Mon-Thu.(8-5:30) alternate Fri.(8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

24 January 2005



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600